

LABOUR DEPARTMENT

The 26th November, 1981

No. 9(1) 81-6Lab/13453.—In pursuance of the provisions of sections 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Pharmaceutical Private Limited 11 Western Extension Area, Faridabad:—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 274 of 1981

between

SHRIMATI ANITA BISWAS LADY WORKER AND THE MANAGEMENT OF M/S.
PHARMACEUTICAL PRIVATE LIMITED 11 WESTERN EXTENSION AREA,
FARIDABAD.

Present :—None for the workman.

None for the management.

AWARD

By order No ID/FD/109/81/38447 dated 20th August, 1981 the Governor of Haryana referred the following dispute between the management of M/S. Pharmaceutical Private Limited 11 Western Extension Area Faridabad and its workman Shrimati Anita Biswas, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of service of Shrimati Anita Biswas was justified and in order?
If not, to what relief is she entitled?

On receipt of the order of reference, notices were issued to the parties. The parties did not appear despite service and the case was ordered to be dismissed for non-prosecution of the parties. I, therefore, dismiss the case for non-prosecution of the parties.

The 29th October 1981

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 995 Dated the 2nd November, 1981

Forwarded (four copies) to the Secretary the Government Haryana Labour & Employment Department Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 29th December, 1981

No. 9 (1) 81-6Lab./13941.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s Asica Industries 12/4 Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK PRESIDING OFFICER
LABOUR COURT HARYANA FARIDABAD.

Reference No. 93 of 1981

Between

SHRI BABAN SINGH WORKMAN AND THE MANAGEMENT OF M/S ASICA
INDUSTRIES 12/4, MATHURA ROAD, FARIDABAD.

Workman with Shri R. L. Sharma.

None for the respondent management.

AWARD

This reference No. 93 of 1981 has been referred to his court by the Hon'ble Governor of Haryana, —vide his order No. ID FD/1/81/8530, dated 6th February, 1981 under section 10(i)(c) of the Industrial disputes Act, 1947 for adjudication of the dispute existing between Shri Baban Singh workman and the management of M/s Asica Industries, 12/4, Mathura road, Faridabad. The terms of the reference was:—

Whether the termination of service of Shri Baban Singh was justified and in order? If not to what relief is he entitled?

After receiving this reference, notices were issued to the parties for 6th April, 1981. On 6th April, 1981 Shri R.L. Sharma, representative of the workman was present, but none was present from the side of the respondent management despite service of summons. It was 1-30 p.m. The case was called thrice. So my predecessor proceeded ex parte against the respondent and fixed the case for recording the ex parte evidence of the workman for 28th April, 1981. On 28th April, 1981 the ex parte evidence of the workman was not recorded and after taking eight or nine adjournments by the workman on one pretext or the other the evidence of the workman was recorded on 4th September, 1981.

The workman examined himself as WW-1, who stated that he was working with the respondent from 10th October, 1978 as a opera or and his monthly wages were Rs. 250 p.m. The respondent management appointed the workman on a permanent job. The workman stated that he was not given any appointment letter on 10th September, 1980 when the workman was going to resume his duty he was stopped at the gate. In this way the respondent management terminated his services without giving any notice or conducting any enquiry against him. The workman further stated that he was unemployed since then and prayed that he be reinstated with continuity of service and full back wages.

In view of the statement made by the workman, on oath, I see no reason why the un rebutted statement of the workman should not be believed especially when the management chose not to appear and defend this reference despite service. So on believing the statement of the workman, I hold that the termination of services of Shri Baban Singh was not justified and in order and he is entitled for reinstatement with continuity of services and full back wages. No order as to costs.

This be read an answer to this reference.

HARI SINGH KAUSHIK

The 10th November, 1981

Presiding officer,
Labour Court Haryana,
Faridabad.

Endorsement No. 3226, dated The 19th November, 1981

Forwarded (four copies) to the Commissioner & Secretary to Govt. Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

HARI SINGH KAUSHIK

Presiding officer,
Labour Court Haryana,
Faridabad.

No. 9(1981-6Lab 14217. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workmen and the management of M/s Goodyear India Ltd., Ballabgarh.

BEFORE SHRI M. C. BHARDWAJ PRESIDING OFFICER INDUSTRIAL TRIBUNAL

HARYANA FARIDABAD

Reference No. 194 of 1977

Between

SHRI LAKHMI CHAND WORKMAN AND THE MANAGEMENT OF M/S GOOD-YEAR INDIA LTD., BALLABGARH.

Present :—

Shri S. R. Gupta for the workman.

Dr. Anand Parkash/Shri Jagat Arora for the Management.

AWARD

By order No. ID/FD/74/46940, dated 27th October, 1977, the Governor of Haryana referred the following dispute between the management of M/s Goodyear India Ltd., Ballabgarh and its workman Shri Lakhmi Chand, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Lakhmi Chand was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties, who appeared and filed their pleadings. On the pleadings of the parties following issue was framed by my learned predecessor *vide* his order dated 31st August, 1978 :—

1. Whether the reference is barred by the rule of *resjudicata*. In the evidence the management placed on record certified copy of order of Labour Court Rohtak Ex. M-1. The workman took many opportunities for evidence but lastely requested that he wanted to challenge the order of the Labour Court Rohtak in the Supreme Court because he had lost the case in the High Court. Finally the parties addressed their arguments on the perliminary issue. I now give my finding on the issue:—

*Issue No. 1 :—*Dr. Anand Parkash learned representative for the management argued that the workman was not an employee of the management and this issue had been earlier decided between the parties by the Labour Court Rohtak. This reference was, therefore, barred. He cited 1961 II LLJ Page 25, 1975 II LLJ page 373 and 1975 I LLJ page 71. On the other hand Shri S. R. Gupta, learned representative for the workman argued that the rule of *resjudicata* was not applicable because the proceedings were different. He cited 1976 FLR Vol. 33 page 118 and 213.

I have gone through Ex. M-1 and find that the order was passed in application No. 178 of 1974 under section 33-C(2) of the Industrial Disputes Act between this workman and the management of M/s Goodyear India Ltd., Ballabgarh. The following issue was framed for trial in that application :—

“Whether the applicant is an employee of M/s Goodyear India Ltd., Ballabgarh and can this question be gone into the present proceedings ?

This issue was decided by the Court,—*vide* its order dated 24th May, 1978 against the applicant and held that he was not an employee of the management. I find that this order being between the same parties and matter of controversy also being the same is final adjudication of the matter so far as above controversy was concerned. In the presence of that order this issue cannot be agitated afresh by the parties. It was stated at the bar that this order was challenged before the High Court in a Writ petition which failed. Under the circumstances, I decide this issue in favour of the management and against the workman.

While answering the reference, I give my award that the workman is not entitled to any relief in this reference.

Dated the 25th November, 1981.

M. C. BHARDWAJ,
Presiding Officer, Industrial,
Tribunal Haryana,
Faridabad.

Endst. No. 1069, dated 27th November, 1981

Forwarded (four copies) to the Secretary to Government Haryana Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer Industrial,
Tribunal Haryana,
Faridabad.